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PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
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February 10, 2005

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To: The Honorable Commissioner for Patents
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

Fax: 703-872-9306

Enclosures:

Fax Cover Sheet containing Certificate of Facsimile
Transmission and Authorization to Charge
Deposit Account 23-3000 in the amount of
\$200.00 for the Petition Fee (1 page)
Petition to Correct Patent Term Adjustment Under
37 C.F.R. § 1.705(b) (1 page)

From: Scott A. Stinebruner
Reg. No. 38,323

Re: U.S. Patent Application
Serial No. 09/775,002
Filed: February 1, 2001
Allowed: January 7, 2005
Applicant: Ron Joseph
Art Unit: 3625
Confirmation No.: 7478
Our Ref: SWAP/03

Pages: 4 (including cover sheet)

**MESSAGE/COMMENTS
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I hereby certify that this correspondence (4 pages, including cover sheet) is being transmitted via facsimile to The Honorable Commissioner in the United States Patent and Trademark Office, to the centralized facsimile number at (703) 872-9306 on February 10, 2005.

Judith L. Volk
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February 10, 2005
Date

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PATENT

Att'y Docket No. SWAP/03/124

Confirmation No. 7478**CERTIFICATE OF FACSIMILE TRANSMISSION**

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February 10, 2005
Date

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FEB 10 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ron Joseph	Art Unit:	3625
Serial No.:	09/775,002	Examiner:	Matthew S. Gart
Filed :	February 1, 2001		
Allowed:	January 7, 2005		
For :	METHOD, APPARATUS AND PROGRAM PRODUCT FOR FACILITATING TRANSFER OF VEHICLE LEASES (As Amended)		

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION TO CORRECT PATENT TERM ADJUSTMENT**UNDER 37 C.F.R. §1.705(b)**

Responsive to the Patent Term Adjustment under 35 U.S.C. §154(b) mailed with the Notice of Allowance dated January 7, 2005, Applicant herein requests correction of the Adjustment of Patent Term for the above-referenced application under 37 C.F.R. §1.181 and §1.705(b).

Applicant respectfully disagrees that the Patent Term Adjustment is two hundred and fifty eight (258) days. Applicant believes the correct amount for the Patent Term Adjustment is four hundred and two (402) days, as determined under 37 C.F.R. §1.702 and for the following reasons. The relevant dates as specified in §1.703(a)-(e) for which adjustment is sought include

Applicant's timely mailing of an Appeal Brief on April 21, 2004 that was received by the Office on April 26, 2004 and the mailing of a Notice of Allowance on January 7, 2005. The Patent and Trademark Office's delay of one hundred thirty-four (134) days before mailing a Notice of Allowance calculated by the Patent and Trademark Office is correct. However, the computer calculated a delay of one hundred and forty-four (144) days by Applicant as a result of the filing of a Request for Continued Examination (RCE) and submissions (including an Amendment and Response and an Information Disclosure Statement) on September 17, 2004.

Applicant is required under §1.704(b) to respond to an Action making a rejection within three months after the date of mailing of the Office communication, with which Applicant complied by the timely filing of the Appeal Brief. Since the filing of the RCE was not responsive to any further communication from the Patent Office for which a time period was set but was merely submitted in follow-up to the Appeal Brief and in response to a request by the Examiner made in a telephonic interview between the Examiner and Applicant's undersigned representative on September 17, 2004, the Applicant was not required to respond to any Action. The current procedures for calculation of the Patent Term Adjustment do not take into account such matters. This is an unfortunate oversight that resulted in Applicant being charged with an additional failure to engage in reasonable efforts to conclude processing or examination. In this application, however, Applicant agrees that there were two delays on Applicant's part constituting a failure to engage in reasonable efforts to conclude examination of the application as set forth in §1.704 correctly calculated by the Patent and Trademark Office, namely, a twenty-nine (29) day delay by Applicant in responding to the non-final Office Action of March 26, 2003, and a sixty-two (62) day delay by Applicant for filing a response to the Final Rejection of

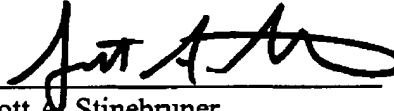
September 23, 2003, for a total delay of ninety-one (91) days on the part of Applicant. The Patent and Trademark Office also correctly calculated a PTO delay that included the filing of the application on February 1, 2001 and the mailing of a first Action on March 26, 2003, which resulted in an examination delay of three hundred and fifty-nine (359) days. Thus, Applicant respectfully requests correction of the Patent Term Adjustment to reflect a Patent and Trademark Office delay of four hundred and ninety-three (493) days and an Applicant's delay of ninety-one (91) days, for a total Patent Term Adjustment of four hundred and two (402) days less any additional days for Applicant's filing of a Response Under 37 C.F.R. 1.312 Amendment on February 2, 2005.

This patent is not subject to a terminal disclaimer.

Applicant believes a fee is due in the amount of \$200.00 as set forth in 37 C.F.R. §1.18(e) and requests that said fee be charged to Deposit Account No. 23-3000. If any additional charges or credits are necessary to complete this communication, please also apply them to Deposit Account No. 23-3000.

Respectfully submitted,

10 FEB 2005
Date



Scott A. Stinebruner
Reg. No. 38,323

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